

House Study Bill 272

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regulating the disposal of used cooking grease, providing
2 fees, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 3078HC 81
5 da/pj/5

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1 1 Section 1. NEW SECTION. 167.1A DEFINITIONS.
1 2 As used in this chapter unless the context otherwise
1 3 requires:
1 4 1. "Body of a dead animal" or "body" means the whole or
1 5 part of an animal carcass or offal material.
1 6 2. "Department" means the department of agriculture and
1 7 land stewardship.
1 8 3. "Renderable material" means any of the following:
1 9 a. The body of a dead animal.
1 10 b. Used cooking grease.
1 11 4. "Used cooking grease" means unprocessed or partially
1 12 processed grease, fat, or oil previously used as part of
1 13 cooking in the preparation of food for human consumption, but
1 14 which is no longer suitable for such use.
1 15 Sec. 2. Section 167.2, Code 2005, is amended to read as
1 16 follows:
1 17 167.2 DISPOSAL OF DEAD ANIMALS RENDERABLE MATERIAL.
1 18 ~~No A person shall not engage in the business of disposing~~
1 19 ~~of the bodies of dead animals renderable material without~~
1 20 ~~first obtaining a license for that purpose from the~~
1 21 ~~department.~~
1 22 Sec. 3. Section 167.3, Code 2005, is amended to read as
1 23 follows:
1 24 167.3 "DISPOSING" DEFINED.
1 25 1. Any A person who shall receive receives from any other
1 26 person the body of any dead animal for the purpose of
1 27 obtaining the hide, skin, or grease from such animal, in any
1 28 way whatsoever, or any part thereof, shall be deemed to be
1 29 engaged in the business of disposing of the bodies of dead
1 30 animals, and must be the operator or employee of a licensed
1 31 disposal plant.
1 32 2. A person who receives from any other person used
1 33 cooking grease shall be deemed to be engaged in the business
1 34 of disposing of the used cooking grease, and must be the
1 35 operator or employee of a licensed disposal plant.
2 1 Sec. 4. Section 167.4, subsection 2, paragraphs b and c,
2 2 Code 2005, are amended to read as follows:
2 3 b. For a collection point involving the accumulation of
2 4 ~~whole animal carcasses or their parts renderable material~~ for
2 5 ultimate transportation to a disposal plant, the person's name
2 6 and address, the person's proposed place of business, and the
2 7 total number of vehicles to be involved in the operation.
2 8 c. For a delivery service which transports ~~whole animal~~
2 9 ~~carcasses or their parts renderable material~~ to a disposal
2 10 plant or collection point, the person's name and address, the
2 11 total number of vehicles to be involved in the operation, and
2 12 the location where the vehicles involved in the operation are
2 13 to be maintained.
2 14 Sec. 5. Section 167.12, unnumbered paragraph 1, Code 2005,
2 15 is amended to read as follows:
2 16 ~~The All of the~~ following requirements shall be observed in
2 17 the disposal of ~~such bodies~~ the body of a dead animal:
2 18 Sec. 6. NEW SECTION. 167.12A DISPOSING OF USED COOKING

2 19 GREASE.

2 20 1. A disposal plant for used cooking grease shall be
2 21 situated and arranged so that its operations do not interfere
2 22 with the comfortable enjoyment of life and property.

2 23 2. In disposing of used cooking grease, all of the
2 24 following requirements apply:

2 25 a. The used cooking grease must be received at the
2 26 disposal plant in a manner that prevents spilling on the
2 27 ground or exposure to storm water.

2 28 b. The used cooking grease must be processed in cooking
2 29 vats or vessels in a manner that ensures that vapors do not
2 30 cause an unnecessary annoyance or create a nuisance.

2 31 c. If there are portions of the used cooking grease which
2 32 are not processed, the further disposal of the solids must be
2 33 done in a sanitary manner by any of following:

2 34 (1) A person who is qualified to transport solid waste.

2 35 (2) The discharge into a sewer as provided by the
3 1 department.

3 2 (3) Any other method approved by the department.

3 3 Sec. 7. Section 167.15, Code 2005, is amended by adding
3 4 the following new subsection:

3 5 NEW SUBSECTION. 1A. A person required to be licensed
3 6 under section 167.4 shall transport used cooking grease
3 7 according to requirements adopted by departmental rule. The
3 8 delivery vehicle's container used for loading and transporting
3 9 the used cooking grease shall be constructed according to
3 10 departmental rules in a manner that prevents solids or liquids
3 11 associated with the used cooking grease from escaping during
3 12 transport.

3 13 Sec. 8. Section 167.15, subsection 2, Code 2005, is
3 14 amended to read as follows:

3 15 2. The department shall provide for the inspection of
3 16 delivery vehicles used to transport ~~carcasses or offal~~
3 17 renderable material, disposal plants, collection points, or
3 18 other locations in which ~~carcasses or offal~~ renderable
3 19 material is stored or processed before being delivered to a
3 20 disposal plant.

3 21 Sec. 9. NEW SECTION. 167.16A COLLECTING USED COOKING
3 22 GREASE.

3 23 A person shall not steal, contaminate, or damage used
3 24 cooking grease or a container used to collect the used cooking
3 25 grease.

3 26 Sec. 10. Section 167.19, Code 2005, is amended to read as
3 27 follows:

3 28 167.19 ~~PENALTY~~ PENALTIES.

3 29 1. A person who violates this chapter or a rule adopted by
3 30 the department pursuant to this chapter is guilty of a
3 31 criminal offense as follows:

3 32 a. A simple misdemeanor for the first offense.

3 33 b. A serious misdemeanor for the second offense.

3 34 c. An aggravated misdemeanor for the third or subsequent
3 35 offense.

4 1 2. ~~The~~ A person may be subject to a civil penalty of not
4 2 less than one hundred dollars and not more than one thousand
4 3 dollars for each violation. However, the state shall be
4 4 precluded from bringing a criminal action against the person
4 5 as provided in this section if the department has initiated a
4 6 civil enforcement proceeding. Moneys collected in civil
4 7 penalties shall be deposited into the general fund of the
4 8 state.

4 9 Sec. 11. Section 167.21, Code 2005, is amended to read as
4 10 follows:

4 11 167.21 RECIPROCAL AGREEMENTS WITH OTHER STATES.

4 12 The department is authorized to enter into reciprocal
4 13 agreements in behalf of this state with any one or more of the
4 14 states adjacent to this state, providing for permits to be
4 15 issued to ~~rendering disposal~~ plants located in either state to
4 16 transport ~~carcasses~~ renderable material to their plants over
4 17 public highways of this state and the reciprocating state.

4 18 EXPLANATION

4 19 This bill amends provisions in Code chapter 167, which
4 20 provides for the transportation and rendering of animal
4 21 carcasses by persons licensed by the department of agriculture
4 22 and land stewardship. The bill provides that persons who are
4 23 involved in the process of rendering used cooking grease must
4 24 also be regulated under that chapter. The term "used cooking
4 25 grease" means unprocessed or partially processed grease, fat,
4 26 or oil which was previously used in cooking but which is no
4 27 longer suitable for human consumption. The bill refers to
4 28 both dead animal carcasses and used cooking grease as
4 29 renderable material.

4 30 The bill provides that many of the provisions which apply
4 31 to the disposal of dead animal carcasses also apply to the
4 32 disposal of used cooking grease. Many of the regulations and
4 33 licensure fees that apply to persons involved in the business
4 34 of disposing of animal carcasses apply to the disposal of used
4 35 cooking grease, including for persons who: (1) operate a
5 1 disposal plant; (2) operate a collection point where
5 2 renderable material is accumulated; or (3) operate a delivery
5 3 service which transports renderable material to a collection
5 4 point or disposal plant. The fee for these classes is \$100,
5 5 except for delivery services that are not part of an operation
5 6 associated with a disposal plant or collection point. That
5 7 class of licensee is charged \$50.

5 8 The bill includes specific regulations governing used
5 9 cooking grease. A disposal plant must be located in a manner
5 10 that ensures that its operations do not interfere with the
5 11 comfortable enjoyment of life and property. A number of
5 12 procedures govern the processing of used cooking grease, which
5 13 procedures reduce annoyance or nuisance and protect
5 14 environmental quality. The bill also regulates the
5 15 transportation of cooking grease and provides requirements for
5 16 a vehicle's container. The bill prohibits a person from
5 17 stealing, contaminating, or damaging used cooking grease or a
5 18 container used to collect it.

5 19 Under Code section 167.19, a person who violates a
5 20 provision of the Code chapter is guilty of a simple
5 21 misdemeanor. A person may be subject to a civil penalty of
5 22 not less than \$100 and not more than \$1,000. However, a
5 23 person cannot be subject to both a criminal and civil penalty.
5 24 The bill amends the criminal provisions by providing that a
5 25 person who violates the bill's provisions is guilty of a
5 26 simple misdemeanor for the first offense, a serious
5 27 misdemeanor for the second offense, and an aggravated
5 28 misdemeanor for the third or subsequent offense. A simple
5 29 misdemeanor is punishable by confinement for no more than 30
5 30 days, a fine of at least \$50 but not more than \$500, or both.
5 31 A serious misdemeanor is punishable by confinement for no more
5 32 than one year and a fine of at least \$250 but not more than
5 33 \$1,500. An aggravated misdemeanor is punishable by
5 34 confinement for no more than two years and a fine of at least
5 35 \$500 but not more than \$5,000.

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